



Care Partner Information

Tips for Providing Older Adult Care

Guardians and Conservators

What happens when someone with dementia can no longer make good decisions or manage their money? What happens when they need someone else to make those decisions for them?

Many times a family member will take over. But, sometimes there is no family, or family lives too far away. Sometimes family members don't agree on what should happen. In these situations, the person with dementia often needs a guardian and a conservator.

What is a Guardian?

A guardian (GAR-dee-an) is someone appointed by a court to make decisions about, or for, another person. The guardian might be a family member or a friend. But, if no family or friends are available to do the work, a court might select a professional who has experience working as a guardian.

What Does a Guardian Do?

The guardian's job is to make sure that the person with dementia is taken care of. Guardians can be the caregiver or they can arrange for someone else to take care of the person with dementia. If they have someone else to do it, the guardian has to be sure those caregivers are doing a good job.

The guardian decides where the person should live - at home, in a nursing home, or somewhere else. The guardian also makes all medical decisions for the person. Basically, the guardian is in charge of the person, just like a parent is in charge of a young child.

Does There Always Have to Be a Guardian?

Not always. Sometimes a person with dementia can fill out a special form before losing their ability to think clearly. The form is called a "Medical Power of Attorney." It allows the person to name who they want to make medical decisions for them if they no longer can. If that form was not completed before the person with dementia loses the ability to think clearly, and there are no family members to make medical decisions, having the court name a guardian may be the best thing to do.

This Care Partner Information page is part of a series on older adult caregiving tips. They are written to help family and community caregivers, direct care workers and community health representatives care for older adults. Available in English and Spanish at www.aging.arizona.edu

What is a Conservator

A conservator (con-SIR-va-tor) is a person who is legally in charge of someone else's money and property. Conservators are appointed by the court when a person with dementia can't manage money or make appropriate decisions about finances. The conservator can be a family member or a friend. But if no family or friends are available, the court might choose a professional who has experience working as a conservator.

What Does a Conservator Do?

A conservator controls the person's bank accounts, credit cards, and all other money. The conservator also controls the person's property, including houses and all other belongings.

A conservator must spend the person's money and property only on things needed to help take care of the person with dementia. The conservator must file reports with the court to show how they have been managing the person's money and property. The court checks up on the conservator to be sure they are being honest and responsible. A conservator may be paid (from the person's money) for the work they do, but the court must approve the amount.

Does There Always Have To Be Conservator?

Money and property are often owned jointly. For example, a husband and wife might own a house together. A parent and child might be joint signers on a bank account. If money or property is managed jointly, no special form is needed and a conservator may not be needed if one person has dementia.

What do Guardians and Conservators Do?		
	Guardian	Conservator
Decide where a person should live	X	
Decide who should take care of the person	X	
Make medical decisions for the person	X	
Manage the person's money		X
Decide about selling a person's house		X
Must be appointed by a judge	X	X

Useful Websites

- Information about legal documents, from the Alzheimer's Association: <http://www.alz.org/care/alzheimers-dementia-legal-documents.asp>
- Information about dealing with Social Security payments: <http://www.ssa.gov/payee/faqrep.htm#a0=-1>

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